

REMARKS

I. Status of the Claims

Claims 8-24, 26-28 and 39-41 are pending in this application. Claims 1-7, 25, and 30-38 have been cancelled. Applicants acknowledge and appreciate the allowance of claims 8-24, 26-29 and 39-41 as indicated in the Advisory Action dated July 13, 2006.

II. Rejections under 35 U.S.C. §§ 102 and 103

The Examiner has maintained the rejection of claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Davis et al., Journal of the American Podiatric Medical Association (1989) 79:1, 24-26 ("Davis"). *Advisory Action* at p. 2.

By this Amendment, Applicants have cancelled claims 1-6, in favor of pursuing this subject matter in a concurrently filed continuation application. Thus, the present rejection is rendered moot.

III. Conclusion


In canceling rejected claims 1-6 and withdrawn claims 30-38 in this Amendment, Applicants respectfully submit that this application has been placed in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 24, 2006

By: 
Gretchen S. Peterson
Reg. No. 57,404